

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
NORTHWESTERN DIVISION

UNITED STATES OF AMERICA,

4:09-cr-076

Plaintiff,

vs.

DEFENDANT'S SENTENCING
MEMORANDUM

MICHAEL HOWARD REED,

Defendant.

The Defendant, Michael Howard Reed, was charged in a One Count Indictment with Possession of a Firearm and Ammunition by a Fugitive From Justice, in violation of 18 U.S.C. § 922(g)(2), and 924(a)(2). Mr. Reed was arrested on October 21, 2009, in the District of Nevada, and has been in Federal custody since that date.

On January 27, 2010, a two-day jury trial commenced which resulted in the conviction of Mr. Reed. The Presentence Report correctly calculates the total offense level of 14 and a Criminal History II which indicates a guideline sentencing range of 18 to 24 months.

REQUEST FOR § 3553(A) SENTENCE

Michael Reed is 49 years old. His parents, who reside in Lake Isabella, California, are 87 and 78 respectively. Reed served in the military and receives VA benefits as a result of injuries sustained while in the military. In addition, additional injuries sustained in 1989 resulted in back surgery in 1994.

Mr. Reed is a high school graduate who has essentially self educated. Up until 2002, Mr. Reed was employed by various employers but mostly as a crane operator. He also has significant experience in construction management and has been involved in the music industry. In 2002, he became involved with the Little Shell Nation and ultimately was appointed as its Attorney General.

Upon Mr. Reed's completion of this sentence he intends on returning to California to care for his elderly mother and father. He has maintained regular contact with his parents and they are eagerly anticipating his return to California.

Mr. Reed does not intend on having any further involvement with the Little Shell Nation. His essential focus is now the care of his parents.

A sentence that is sufficient but not greater than necessary in this case is 6 months incarceration and two years of supervised release. Essentially, this would result in Mr. Reed being released with time served on the date of his sentencing. This sentence would provide sufficient punishment for the crime as well as satisfy society's needs for that punishment. Upon the factors outlined in 18 U.S.C. § 3553(a) this is a reasonable sentence.

Dated this 15th day of April, 2010.

Respectfully submitted,

JANA MINER
Acting Federal Public Defender
By:

/s/ Orell D. Schmitz

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CERTIFICATE OF SERVICE

I hereby certify that on April 15, 2010, the following document(s):

Defendant's Sentencing Memorandum

were filed electronically with the Clerk of Court through ECF, and that ECF will send a Notice of Electronic Filing (NEF) to the following:

David Hagler
david.hagler@usdoj.gov

I further certify that copy of the foregoing documents and the Notice of Electronic Filing will be mailed first class mail, postage paid, to the following non-ECF participants:

/s/ Orell D. Schmitz

Orell D. Schmitz,
Assistant Federal Public Defender